

MEMO

To:	Mayor Cornell and Members of Council
From:	Jamie Robinson, BES, MCIP, RPP Partner
CC:	Shawn Persaud, BA, MCIP, RPP, Director of Planning & Development
Date:	August 11, 2021
File:	0765AI
Subject:	Short Term Rental (STR) - Planning Opinion

The purpose of this correspondence is to provide an opinion with respect to Short Term Rentals (STRs) in the Township of Tiny by reviewing the approach taken in the current Zoning By-law 06-001 (“the Zoning By-law”), and whether the short term rental of residential properties constitutes a residential or commercial use of land in the context of the Zoning By-law and also whether the short term rental of dwelling units is a permitted use by the Township of Tiny Zoning By-law. The Township of Tiny Zoning By-law was enacted in 2006 and has undergone a number of housekeeping updates.

Background

The Residential Zone structure of the current Zoning By-law is as follows:

- Rural Residential
- Country Residential (Estate Residential Development)
- Shoreline Residential
- Limited Services Residential (Located on a Private Road)
- Hamlet Residential 1
- Hamlet Residential 2

The residential zones within the Township of Tiny’s Zoning By-law establish different residential zones for development within hamlets, rural areas and shoreline areas. Table 1 lists the permitted uses for each of the residential zones:

Table 1 – Residential Zones Permitted Uses

Zone	Permitted Uses
Rural Residential	<ul style="list-style-type: none"> • Dwelling, single detached • Dwelling, semi-detached • Dwelling, duplex • Group Home A • Home occupation • Private home daycare
Country Residential	<ul style="list-style-type: none"> • Dwelling, single detached • Home occupation • Private home daycare
Shoreline Residential	<ul style="list-style-type: none"> • Dwelling, single detached • Home occupation • Private home daycare
Limited Services Residential	<ul style="list-style-type: none"> • Dwelling, single detached • Home occupation • Private home daycare
Hamlet Residential 1	<ul style="list-style-type: none"> • Boarding house • Day nursery • Dwelling, single detached • Dwelling semi-detached • Dwelling, duplex • Group Home A • Home occupation • Private home daycare
Hamlet Residential 2	<ul style="list-style-type: none"> • Boarding house • Day nursery • Dwelling, single detached • Dwelling, semi-detached • Dwelling, duplex • Dwelling, multiple • Dwelling, townhouse • Dwelling, triplex • Group Home A • Home occupation • Nursing home • Private home daycare • Retirement home

The Zoning By-law does not identify the term “short term accommodation.” The Zoning By-law does identify different types of commercial accommodation units. These include:

- Bed and breakfasts
- Hotels,
- Motels

Table 2 provides an overview of relevant definitions.

Table 2

Term	Definition
Bed and Breakfast	Means a part of a <i>single detached dwelling unit</i> in which not more than three bedrooms are used or maintained for the accommodation of the traveling public, in which the owner of the <i>dwelling unit</i> resides and supplies lodgings with or without meals for hire or pay but does not include a <i>group home</i> or <i>tourist establishment</i> .
Dwelling Unit	Means two or more rooms used, designed or intended for the domestic use of one or more individuals living as a single housekeeping unit, with living, sleeping and sanitary facilities, and one <i>kitchen facility</i> , having a private entrance from outside the <i>building</i> or from a common hallway or stairway inside or outside the <i>building</i> .
Dwelling, Apartment	Means a <i>dwelling unit</i> in an <i>apartment building</i> , or a <i>dwelling unit</i> that is accessory to another residential use or a commercial use.
Dwelling, Duplex	Means a <i>dwelling unit</i> contained within a <i>building</i> that is divided horizontally into two separate <i>dwelling units</i> , each of which has an independent entrance either directly from the outside or through a common vestibule.
Dwelling, Multiple	Means a <i>dwelling unit</i> in a <i>building</i> containing four or more <i>dwelling units</i> , each of which has an independent entrance directly from the outside or through a common vestibule or common corridor but does not include a <i>townhouse dwelling</i> .
Dwelling, Semi Detached	Means a <i>dwelling unit</i> contained within a <i>building</i> containing two <i>dwelling units</i> which are separated by a common wall dividing the pair of <i>dwelling units</i> vertically, in whole or in part, each of which has an independent entrance, either directly from the outside or through a common vestibule.
Dwelling, Single Detached	Means a <i>building</i> containing one <i>dwelling unit</i> .
Hotel	Means <i>premises</i> that contains rooms with no private cooking facilities that are rented on a temporary basis to the public or <i>dwelling units</i> , or a combination of both, equipped to be occupied as temporary accommodation for the public, and which contains a public dining area and which also may contain meeting rooms and <i>accessory</i> banquet facilities.
Motel	Means <i>premises</i> that contain rooms with no private cooking facilities that are rented on a temporary basis to the public with each room being accessed from the outside.
Tourist Cabin Establishment	Means a <i>tourist establishment</i> comprised of two or more cabins arranged singly or in pairs and in which cooking facilities may be provided.
Tourist Establishment	Means <i>premises</i> designed for the traveling or vacationing public, and that has facilities for accommodation and may serve meals or provide <i>kitchen facilities</i> within each unit and may furnish equipment, supplies or services to persons for recreational purposes, but does not include a <i>campground</i> , <i>trailer park</i> or <i>private park</i> .

Discussion

Residential Use / Commercial Use

- 1) The Zoning By-law establishes dwelling units and various forms of dwelling units as a permitted use within residential zones.
- 2) The Zoning By-law does not establish permitted uses or include within the definition of permitted uses, specifics pertaining to occupancy tenures (owner occupied vs. rental).
- 3) Similarly, the Zoning By-law does not contain regulations (minimums or maximums) pertaining to the length of rental occupancy.
- 4) A dwelling unit that is rented would not meet the definition of one of the types of tourist accommodation that are listed in the Zoning By-law (hotel, motel).
- 5) A dwelling unit that is rented could meet the definition of a tourist establishment if it is designed for the vacationing or travelling public.
- 6) Based on the permitted uses and the definitions within Township Zoning By-law, the rental of a dwelling unit is permitted.
- 7) A remaining question is one of frequency. Is there a limit to how many different rental periods a dwelling unit could have?
- 8) It is understood that the Township has historically taken the position that the rental of a residential dwelling unit is permitted.
- 9) I agree with the position taken historically by the Township, that the rental of a dwelling unit is a residential use of land and is permitted. However, there is a tipping point, where a dwelling unit is used exclusively for short rental periods, it would appear to fall within the definition of a tourist establishment in the context of the Township Zoning By-law.

Land Use Planning Considerations

- 1) The introduction of a tourist establishment in a residential area can have land use planning impacts on an area including impacts related to the character of the area, noise, parking, garbage and intensity of use.
- 2) While many of these matters fall under the purview of land use planning, they are often more appropriately regulated though by-laws enacted under the Municipal Act.
- 3) To address compatibility concerns associated with STRs, it is recommended that the Township evaluate options associated with licensing, zoning, and other legislative tools provided under the Municipal Act.
- 4) Updated Official Plan policies will be required to provide policy direction for the approach to STRs that is taken by the municipality.